

# **Nebraska Energy Office**

## **Request for Proposals Weatherization Assistance Program Provider Program Year 2013 (July 1, 2013 – June 30, 2014)**

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# **Section 1 Background & Program Information**

## **1.1 Introduction and Background**

The Nebraska Energy Office administers the federally funded Weatherization Assistance Program (WAP) (10 CFR Part 440) for the state of Nebraska. Weatherization services are delivered to eligible applicants by sub-grantees who serve defined regional areas. The federal Weatherization Assistance Program was created in 1976 to assist low-income families who lacked resources to invest in energy efficiency.

The mission of the WAP program is to reduce energy costs for low-income families, particularly for the elderly, people with disabilities and young children, by improving the energy efficiency of their homes while ensuring their health and safety. Funds are used to improve the energy efficiency of low-income homes using the most advanced technologies and diagnostic testing protocols available in the energy efficiency retrofit industry. In addition to the comfort, health benefits, and energy savings for the household, the energy conservation resulting from the efforts of state and local agencies helps our country reduce its dependence on foreign oil and our carbon footprint.

Professionally trained Weatherization crews use computerized energy audits and advanced diagnostic equipment, such as a blower doors, manometers, or infrared cameras, to determine the most cost-effective measures appropriate for each home. Typical measures may include: installing insulation; sealing ducts; tuning and repairing heating and cooling systems; mitigating air infiltration; and reducing electric base load consumption. All weatherization measures installed must be determined cost-effective based on a Savings-to-Investment Ratio (SIR) of 1.0 or greater. "Cost-effective" means the SIR must exceed 1.0, so the combined package of installed materials must result in energy cost savings over the lifetime of the measure(s), discounted to present value, that equal or exceed the cost of materials, installation, and on-site supervisory personnel, as defined by the DOE and calculated using an approved energy-auditing program.

## **1.2 Purpose**

The purpose of this Request for Proposals (RFP) is to solicit proposals from qualified non-profit entities to provide Weatherization Services as part of the Nebraska WAP Network for the 2013-2014 program year in accordance with 10 CFR 440, the State Plan for the Weatherization Program including the Weatherization Installation Measures and Work Standards, 10 CFR 600 Financial Assistance Rules, and all applicable U.S. DOE Program Guidance and generally-accepted accounting principles.

Estimated funding available for the PY2013-14 includes:

Weatherization Assistance Program (WAP)	July 1, 2013 – June 30, 2014 <sup>1</sup>	To be determined pending congressional approval of budget and allocation from U.S. DOE – see historical funding information
Historical WAP Funding	U.S.DOE Budget for WAP	Nebraska NEO WAP Allocation
FY2012-13	\$65 million	\$657,170
FY2011-12	\$174 million	\$2,414,600
FY2010-11	\$210 million	\$1,964,240
FY2009-10	\$450 million	\$4,372,276
Low-Income Heating Energy Assistance Program (LIHEAP_)	October 1, 2012 – September 30, 2013 <sup>2</sup>	\$5,071,594.72

The actual funds available may vary depending on the allocation of funds from the federal funding sources. If other funds become available to NEO during the program year for activities similar to the work performed under the Program, this additional funding may, at the option of NEO, be offered to the successful Applicant without a new RFP. NEO retains sole discretion to make the judgment as to the need for additional RFPs. Satisfactory performance under the 2012 and prior program years will be a prerequisite for consideration of additional funding.

Applicants may not obligate funds, incur expenses, or otherwise implement program services prior to execution of a contract with NEO. Funding is not guaranteed to any given Applicant in any given amount.

In the grant application to U.S. DOE, NEO will list those successful Applicants recommended as PY 2013-2014 WAP service providers. The public will have the opportunity to comment on the State Plan and the recommended Applicants at a Public Hearing to be held Friday, April 12, 2013. The State Plan will be available to any interested party on Friday, March 29, 2013. Following DOE approval of the State Plan, contracts will be executed with the successful Applicants.

### 1.3 Eligible Activities

Eligible activities are detailed in the Weatherization Installation Measures and Work Standards at the NEO website: <http://www.ne.one.gov/wx/wxindex.htm>. The list below outlines only the allowable costs by budget category.

Budget Categories:

1. Administration: Costs related to organization-wide administration.
2. Audit: Program regulations permits payment for an Applicant's annual fiscal audit out of program funds if the Applicant's funding exceeds \$500,000 in federal funding. Audits must be in accordance with OMB Circular A-133.

<sup>1</sup> Pending allocation and award from U.S. DOE

<sup>2</sup> Pending allocation and award from Nebraska Health & Human Services; funds to be expended as part of PY2013-14

3. Liability Insurance: Allowable costs include liability insurance for WAP projects for personal injury and property damage. This category also includes professional liability and the cost of Pollution Occurrence Insurance.
4. Program Operations: Costs related to weatherization of a site-built home, mobile home or multifamily unit.
5. Health and Safety: Costs for eligible labor and materials that mitigate energy-related health and safety hazards for the home. Health and Safety measures are outlined in the State Plan and the costs are excluded from the Savings to Investment Ratio calculation.
6. Training and Technical Assistance: Cost to train WAP staff to ensure effective implementation of WAP and to provide information concerning conservation practices to occupants of weatherized homes.

## **1.4 Proposal Submission**

**All applications must be received by NEO no later than Thursday, February 28, 2013 5:00 PM, Central Time.** Proposals shall be in sealed envelopes marked "Proposal to Offer Services for the Nebraska Weatherization Assistance Program." Submit proposals to:

Nebraska Energy Office  
Attn: Julie Hendricks WAP/SEP Division Chief  
521 South 14<sup>th</sup> Street, Suite #300  
Lincoln, NE 68508-2707

Or

PO Box 95085  
Lincoln, NE 68509-5085

Applications may be delivered by mail, other shipping service, or by hand. Facsimile or electronic transmissions will not be accepted.

## **1.5 Proposal Format**

Proposals should be printed double-sided, with each copy fastened using paper clips or binder clips and with tabs identifying each minimum threshold and evaluation criteria item. Applicant's submissions should follow the Application Format in Attachment A.

## **1.6 RFP Questions and Answers**

Questions about this solicitation and application must be submitted to the Nebraska Energy Office website at [www.neo.ne.gov/wx/q&a.htm](http://www.neo.ne.gov/wx/q&a.htm). Questions can be submitted between January 22, 2013 and February 25, 2013. The questions and answers will be posted to the NEO website. The questions will be checked on a daily basis. Questions will be answered within three working days of being submitted. Refer to the Timeline below for dates.

## 1.7 Performance Agreement Term

The successful Applicant will enter into a contract with the NEO for services to be performed. The term of the contract is scheduled to begin on July 1, 2013 and end on June 30, 2014. Dates are based on availability of funds for release from each funding source.

At the discretion of the NEO, the contract is subject to annual consideration for renewal, for up to three years, contingent upon:

- ◆ Funding availability
- ◆ Applicant's performance
- ◆ Applicant's good standing with NEO
- ◆ Applicant's timely expenditure of all funds
- ◆ Applicant has cleared all findings or is working toward clearing findings in a manner agreed to by NEO
- ◆ Applicant's acquisition of proper tools and equipment necessary to perform the scope of work
- ◆ Applicant's attendance in required NEO trainings
- ◆ Applicant's participation in required NEO meetings
- ◆ Applicant's quality of work meets or exceeds NEO Weatherization Installation Measures and Work Standards

The renewal option is the sole discretion of the NEO.

The NEO may choose to issue an RFP during the renewal period to solicit applications for new programs and/or to procure for existing programs to provide services.

In the event that during the contract term an awardee of this RFP is deemed not qualified to administer the Program due to contractual non-compliance, the NEO may negotiate with another WAP sub-grantee without issuing another RFP, and/or may issue an RFP for the area that is being served by the non-qualified agency. The NEO may also issue an RFP during the contract term for any new areas to be served based on the availability of additional funds. The NEO has discretion to establish an Interim WAP provider at any time, according to the WAP State Plan and 10 CFR Part 440.

## 1.8 Timeline for Applicant Selection

The following is the anticipated schedule for recommended Applicant selection:

Date	Activity
1/22/2013	RFP Released
1/22/2013	RFP FAQ on website opens
2/25/2013	RFP FAQ closes
2/28/2013	Deadline for receipt of proposals by NEO
3/5/2013	Deadline for NEO to notify Applicant of proposal threshold deficiencies
3/8/2013	Deadline for Applicant to submit response to threshold deficiency (if required)
3/29/2013	PY2013-14 WAP State Plan released with proposed WAP Sub-grantees – Public Comment Period Opens
4/12/2013	Public Hearing for PY2013-14 WAP State Plan – End of Public Comment Period
June 1, 2013	Notification of Initial Awards upon DOE approval of State Plan
July 1, 2013	PY2013-14 WAP Program Year begins

## Section 2 Minimum Qualifications and Requirements

### 2.1 Minimum Threshold Criteria

Applicants must meet each of the following minimum threshold criteria to be considered for funding. Applications that do not provide sufficient information to determine that the minimum thresholds are met will be disqualified and not considered for funding.

1. Applicant must submit proof of Community Action Agency, non-profit or public entity. (10 CFR Part 440.15 (a)(1).
2. Applicant must submit proof of current registration as a charitable organization with the Nebraska Secretary of State's Office, covering the fiscal year ending in 2011 or 2012 or proof of exemption therefrom. Verification should be in the form of a copy of a current Certificate of Good Standing from the Secretary of State's Office.
3. Applicant must submit a copy of the IRS 501(c)(3) tax exemption letter.
4. Agencies that previously have been awarded NEO WAP funds must provide an independent CPA's auditor's report (Audit) conducted in accordance with Government Auditing Standards (GAS). The Audit will include an independent auditor's report on the following: 1) financial statements; and 2) Internal Control over financial reporting and compliance. If the Applicant expended \$500,000 or more in a year in federal funds a Single Audit is required pursuant to OMB Circular A-133. Applicant shall submit the most recent A-133 audit available (FY2011 or FY2012).
5. For agencies that did not receive NEO WAP funds in PY 2011-2012 or PY2012-2013, the agency must provide either an audit to the above standards or an independent CPA's review of financial statements in accordance with item 4 above.
6. For Applicant's with a Single Audit, provide proof that the Audit Report was submitted to the Federal Audit Clearinghouse (FORM SF-SAC) as required by OMB A-133.

Note: The following types of Audit findings may disqualify an Applicant from receiving funding:

- a. Repeat and unresolved audit findings.
  - b. Failure to comply with the requirements of OMB Circular A-133 (for those applicants that expended \$500,000 or more in federal funding).
  - c. Failure to submit a Management Response letter if referenced in the audit as a separate communication.
7. Submit copies of EPA RRP Certification for all field staff and/or Certified Firm status.
  8. Applicant must be in "good standing" as of the date this RFP is issued. In order to be in good standing, Applicant must not have a "suspended," or "debarred" or HUD's Limited Denial of Participation status conferred upon it by NEO and/or other funding sources. Applicant must provide a print screen from the Excluded Parties List System at: <https://www.sam.gov/portal/public/SAM/> as proof of compliance with this threshold requirement.

9. Applicant must report any and all funds received from other federal, state, local or tribal government funding sources as evidenced by the most current monitoring letter from said entities that Applicant are in good standing with their programs.
10. Applicant must not have repeat or unresolved financial audit findings as determined by NEO.
11. Applicant must describe any material, current or pending litigation, administrative proceedings, or investigations that could affect the reputation or financial viability of the organization.

## **2.2 Proposal Requirements**

Applications and forms may be downloaded from the NEO website:  
[www.neo.ne.gov/wx/q&a.htm](http://www.neo.ne.gov/wx/q&a.htm).

1. Applicant(s) must submit one (1) copy of the agency's most recent financial audit (see Section 2.1 numbers 4 and 5).
2. Applicant must provide one (1) original and five (5) copies of the application form and all required schedules and attachments.
3. NEO forms released with this application (applications, certifications, schedules) must be used when provided by NEO. No substitutions will be accepted.
4. All applications must arrive together in the format specified above.

NEO does not guarantee and is not obligated to award the Applicant's requested service territories. NEO may elect to make an award of a different territory than what is being requested by Applicant based on availability of funds, Applicant's requested service territory, Applicant's score on the scoring criteria and/or for any of the other reasons set forth herein according to the discretion of the NEO Director.

The performance agreements between NEO and successful Applicants shall be for firm, fixed amounts. All payments by NEO shall be made on an actual reimbursement basis.

## **2.3 Evaluation of Proposals**

Responses will be evaluated by a Review Committee established by NEO using the Evaluation Criteria. Award recommendations will be reviewed by the NEO Director. Final selection will be made by the NEO Director.

## **2.4 Deficiency Correction Period**

Upon receipt of all timely submitted proposals, NEO staff will review all proposals to verify that all are complete in accordance with the requirements of this RFP. Should any proposal be missing a threshold requirement in this RFP, it will be deemed incomplete, but subject to correction during the Deficiency Correction Period. The Deficiency Correction Period may not be used to increase the Applicant's score.

NEO shall communicate proposal deficiencies to each Applicant's designated contact person within three (3) business days of the RFP Proposal Submission date, via e-mail, and shall document all communication efforts. Applicants will have two (2) business days after the date of



the e-mail delivery notice to submit the required information. All items must be submitted no later than 5:00 PM Central Standard Time on the second business day following notification of deficiencies. The response due date will be noted on the deficiency notice. If the information requested is not provided within the specified timeframe or is submitted but remains deficient, the Application will be rejected without further review.

The only items eligible for correction or submission during the Deficiency Correction Period include missing or incomplete items required in the Minimum Threshold section (2.1) of this application. Upon the expiration of the Deficiency Correction Period, NEO will not accept Applicant's submission of any items still missing from the application.

## Section 3 Evaluation Criteria

The NEO will award aid agreements to the Applicants whose proposals score the highest with respect to the evaluation criteria and that are most advantageous to the NEO. Proposals will be evaluated on Applicant's documentation of meeting the following criteria: complying with threshold requirements, demonstration of organizational capacity to deliver weatherization services and to comply with federal program requirements, project readiness, financial resources and fiscal management and experience as defined in this RFP. Applications will be scored on a scale from one to 100 based on the criteria listed below. Applicants must score a minimum of 60 points to be considered for funding. A serious deficiency in any one criterion may be grounds for rejection regardless of overall score. Responses will be evaluated by a Review Committee established by NEO using the Evaluation Criteria. The Review Committee will present its recommendations to the NEO Director. All final award decisions will be made by the NEO Director. NEO WAP staff reserves the discretion to assign portions of service territories to various Applicants in making award recommendations to the NEO Director.

### 3.1 Scoring by Criteria

Criteria	Maximum Score
Organizational Capacity	18
Weatherization Program Experience & Readiness	30
Finance	24
Weatherization Program Design & Implementation	28
<b>Total Maximum Points</b>	<b>100</b>

3.1.1 Organizational Capacity	18 Possible Points
<b>Experience of Management and Administration Personnel</b> (outline the experience of Applicant's staff with federal grant-funded programs and NEO WAP, if applicable)	<b>Maximum 6 points</b>
<b>Executive Director –</b>	
Less than 1 year experience	0 points
2-4 years experience	1 point
5 or more years' experience	2 points
<b>Weatherization Program Manager –</b>	
Less than 1 year experience	0 points
2 years experience	1 point



3.1.2 Weatherization Program Experience & Readiness	30 Possible Points
<p><b>Weatherization Program Experience</b> (for each item, describe staff (by name and title) with relevant experience, type and length of experience, and directly related trainings and certifications held by staff and/or contractors)</p> <p><b>Energy Audit Experience &amp; Training</b></p> <ul style="list-style-type: none"> <li>• Staff experience &amp; training in conducting energy audits on single family residences</li> <li>• Staff experience &amp; training in conducting energy audits with NEAT (National Energy Audit Tool software)</li> <li>• Staff experience &amp; training in conducting energy audits on mobile homes</li> <li>• Staff experience &amp; training in conducting energy audits using MHEA (Mobile Home Energy Audit software)</li> <li>• Staff experience &amp; training in conducting energy audits on multifamily (&gt;4 units) residences</li> <li>• Staff experience &amp; training in conducting energy audits using TREAT (Targeted Retrofit Energy Analysis Tool audit software)</li> </ul> <p><b>Building Analysis &amp; Diagnostics Experience &amp; Training</b></p> <ul style="list-style-type: none"> <li>• Staff experience &amp; training in blower door testing and analysis, including number of blower door tests conducted from January 1-December 31, 2012</li> <li>• Staff experience &amp; training in Combustion Area Zone testing &amp; analysis, including number of CAZ tests conducted from January 1-December 31, 2012</li> <li>• Staff experience &amp; training in backdraft and carbon monoxide testing, including number of tests conducted from January 1-December 31, 2012</li> </ul> <p><b>Energy Retrofit Installation Experience &amp; Training</b></p> <ul style="list-style-type: none"> <li>• Staff experience &amp; training in installation of energy retrofit installation</li> <li>• Staff experience &amp; training in Lead-safe Work Practices for Weatherization</li> <li>• Staff experience &amp; training in EPA RRP (Renovation, Repair, and Painting)</li> </ul> <p><b>Project Inspection and Quality Control Experience &amp; Training</b></p> <ul style="list-style-type: none"> <li>• Staff experience &amp; training in conducting quality control Inspections for energy efficiency projects</li> <li>• Staff experience &amp; training in conduction quality control inspections for weatherization projects</li> </ul>	<p>15 maximum points Points awarded at reviewers' discretion.</p>
<p><b>Other Staff Certifications &amp; Training</b> — Points will be awarded for weatherization staff completion and/or certifications in the following categories:</p> <p><b>NEO WAP Training Network Weatherization Curriculum</b> - list staff who have completed NEO-sponsored WAP Training &amp; name/date of trainings completed</p> <p><b>BPI Training &amp; Certifications</b> – (list training, staff, and provide evidence of certification/completion)</p> <p><b>EPA RRP (Renovation, Repair, and Painting) Firm Certification</b> (provide copy of certificate)</p>	<p>10 maximum points.</p>

<b>EPA RRP Individual Certifications</b> (list staff & provide copy of certificate)  <b>OSHA 10 and/ or 30-hour Occupational Safety and Health Administration Training</b> (list staff and provide copy of training certificate)  <b>Other weatherization/energy efficiency training and experience:</b> (list other related certifications, licenses, training and/or experience such as infrared thermal training, HVAC license, etc.)	
<b>Weatherization Tools &amp; Equipment</b> (limited program funds are available to purchase equipment and tools for weatherizing homes; points will be given to applicants that have sufficient tools and equipment in place to implement weatherization measures)  # and type, and age of blower door equipment and manometer owned by agency and/or contractors  # and type of infrared devices to detect insulation levels  Combustion Analyzing equipment (number, type, model, and age)  Gas leak detection equipment (number, type, model and age)  Insulation installation equipment (number, type, model and age)  Other tools and equipment that will be used for weatherizing homes	3 points maximum
<b>Training &amp; Technical Assistance Plan</b> —(provide a brief plan describing how new and existing staff and contractors will obtain required training, certifications, and continuing education)	2 points maximum

3.1.3 Finance	24 Possible Points
<b>External Audit</b> - a maximum of 8 points will be awarded based on the results of applicant's independent audit for their most recent completed fiscal year, however audit must not be for a fiscal year ending earlier than 2011. Audit materials must include management's response to any findings and corrective action that provides the action taken to clear the finding and current status of finding.  No Findings Findings have been cleared Unresolved Findings	8 points 4 points 0 points
<b>External Monitoring</b> - Provide the results of external monitoring pursuant to contracts paid with federal funds for their most recent completed program year. The applicable Program for NEO WAP is July 1, 2011 through June 30, 2012. Applicant must supply monitoring responses to include responses to any findings. Agency should also provide proof that findings have been cleared.  No Findings Findings have been cleared Unresolved Findings	8 points 4 points 0 points
<b>Central Contract Registry</b> - Evidence of current registration	2 points



<p>e. Training and Certifications of Weatherization Field Staff**</p> <p><b>6. Financial Management</b></p> <p>a. Provide a proposed cost allocation plan. (2)</p> <p>b. Provide the policy for the Applicant's system of internal controls for fiscal management documented in policy &amp; procedures manual approved by the Applicant's board of directors.**</p> <p>c. Provide proof that the Applicant is required through its bylaws to have a Board of Director's Oversight Committee.**</p> <p><b>7. References</b></p> <p>a. Provide up to four (4) References from completed projects (4) – weatherization and/or energy efficiency projects preferred</p> <p>b. List all projects from the past 5 years. Provide the total cost of the project and indicate all sources of the funds for each project. (1)</p>	
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## Section 4 Program Standards

The most current NEO WAP State Plan for the Low Income Weatherization Assistance Program (administrative) and Weatherization Installation Measures and Work Standards are available at [www.neo.ne.gov/wx/wxindex.#assist](http://www.neo.ne.gov/wx/wxindex.#assist)

### 4.1 Subcontractors

Use of subcontractors must be clearly explained in the proposal and the method of selection and quality assurance monitoring must be noted. The Applicant will be wholly responsible for compliance with program administrative and fiscal requirements and assuring that program production goals are met regardless whether or not subcontractors are used.

## Section 5 Additional RFP Standards

### 5.1 Protest

Any Applicant who is aggrieved in connection with this RFP or the notification of preliminary selection to this RFP may protest to the NEO. A protest must be based on an allegation of a failure to adhere to the evaluation process as designated in the RFP, including the NEO's Evaluation of Proposals. The protest must be written and addressed to:

Ginger Willson, Director  
Nebraska Energy Office  
521 South 14<sup>th</sup> Street, Suite #300  
Lincoln, NE 68508-2707

The protest must be delivered to the NEO within fifteen (15) calendar days after the notice of award. Upon the timely filing of a protest, the NEO shall give notice of the protest to all Applicants who appear to have a substantial and reasonable prospect of being affected by the outcome of the protest. The Applicants receiving notice may file responses to the protest within

seven (7) calendar days of notice of protest. The protest process shall consist of review of all documentation and any testimony provided in support of the protest by the NEO Director, which shall make the final determination regarding the disposition of the protest.

Applicants or their representatives shall not communicate with the NEO Director or staff regarding any proposal under consideration, except when specifically permitted to present testimony to the NEO Director. A proposal will be deemed ineligible if the Applicant or any person or entity acting on behalf of the Applicant attempts to influence NEO staff or the NEO Director during any portion of the RFP review process, and/or does not follow the prescribed Application and Protest process.

## **5.2 RFP Revisions and Supplements**

Should revisions or additional information be necessary to clarify any provision of this RFP, the revision or additional information will be provided to all Applicants via the NEO website and email.

## **5.3 Incurred Expenses**

The NEO shall not be responsible for any expenses incurred by an Applicant in responding to this RFP. All costs incurred by Applicants in the preparation, transmittal or presentation of any proposal or material submitted in response to this RFP will be borne solely by the Applicant.

## **5.4 Cancellation of Requests for Proposals or Rejection of Proposals**

The NEO may cancel this RFP at any time for any reason and may reject any or all proposals that are not responsive. In addition, Applicant may also cancel their proposal at any time during the RFP application process.

## **5.5 Evaluation of Proposals**

Responses will be evaluated by an Internal Review Committee of NEO staff using the Evaluation Criteria. Award recommendations will be reviewed by NEO management and by an NEO Board Committee. Final selection will be made by the NEO Board of Directors. Responses will be evaluated by a Review Committee established by NEO using the Evaluation Criteria. The Review Committee will present its recommendations to the NEO Director. All final award decisions will be made by the NEO Director. NEO WAP staff reserves the discretion to assign portions of service territories to various Applicants in making award recommendations to the NEO Director.

## **5.6 Award Notice**

NEO shall provide written notice of the award to all Applicants within ten (10) calendar days of the date of the award. The award shall be contingent upon successful negotiations of a final contract between NEO and the Applicant whose proposal is accepted by NEO.

## **5.7 Proposal Confidentiality**

Except in response to inquiries as part of the evaluation process until the award is made and notice given to all Applicants, no employee, agent, or representative of an Applicant shall make available or discuss its proposal with any officer, member, employee, agent, or representative of the NEO.

Until the award is made and notice given to all Applicants, the NEO will not disclose or discuss the contents of any proposal with an Applicant or potential Applicant.

## **5.8 Responsibility of Applicants**

If an Applicant who otherwise would have been awarded a contract is found not to be a responsible Applicant, a determination setting forth the basis of the finding shall be prepared and the Applicant shall be disqualified from receiving the award. A Responsible Applicant means an Applicant who submits a proposal that conforms in all material respects to the requirements of this RFP and who has furnished, when required, information and data to prove that the Applicant's financial resources, production or service facilities, personnel, service reputation and experience are adequate to make satisfactory delivery of the services described in this RFP. The unreasonable failure of an Applicant to supply promptly information in connection with an inquiry with respect to responsibility is grounds for a determination that the Applicant is not a Responsible Applicant.

## **5.9 Code of Conduct**

No employee of the NEO shall have any direct or indirect interest in any contract with the Applicant nor shall any contract exist between Applicant or its affiliate with NEO staff that would give rise to any claim of conflict of interest. Any violation of this provision will render the contract void.

Applicant shall warrant that it has no interest, direct or indirect, which would conflict in any manner or degree with the performance of services required under this contract. Applicant shall at all times conduct itself in a manner consistent with the NEO Code of Conduct. A copy of the NEO Code of Conduct is available at by request to NEO. Upon request by the NEO, Applicant shall disclose information relating to conflicts or potential conflicts of interest.

## **5.10 Other Federal Requirements**

Applicants must comply with all applicable federal, state, and local codes, statutes, laws and regulations that include but are not limited to:

- ◆ 10 CFR 440
- ◆ 24 CFR 84.21 "Standards for Financial Management Systems"
- ◆ Title VI of the Civil Rights Act of 1964, as amended (42 USC 2000d et seq. and 24 CFR Part 1)
- ◆ Fair Housing Act (42 USC 3601 et seq.)
- ◆ Equal Opportunity in Housing (Executive Order 11063, as amended by Executive Order 12892 and 24 CFR Part 107)
- ◆ Age Discrimination Act of 1975, as amended (42 USC 6101 et seq.)



- ◆ Americans with Disabilities Act (42 USC 12101 et seq.)
- ◆ Equal Employment Opportunity, Executive Order 11246, as amended, (24 CFR Part 570, Subpart J)
- ◆ Fair Labor Standards Act of 1938, as amended (29 USC 201 et seq.)
- ◆ Contract Work Hours and Safety Standards Act, as amended (40 USC 3701 et seq.)
- ◆ Anti-Kickback Act of 1986 (41 USC §51-58)
- ◆ Minority/Women's Business Enterprises, Executive Orders 11625, 12432 and 12138
- ◆ Section 504 of the Rehabilitation Act of 1973 as amended (29 USC 794)
- ◆ Lead Based Paint Poisoning Act (42 U.S.C. § 4822 and 24 CFR Part 35)
- ◆ OMB Circular A-102, 24 CFR 570.307(1), (Executive Order 11625)
- ◆ Environmental Reviews (24 CFR Part 92.352)
- ◆ National Environmental Policy Act (NEPA) of 1968, (24 CFR Parts 50 and 58)
- ◆ Property Inspections (Housing Quality Standards of 24 CFR Part 982.401)
- ◆ Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended by 42 USC 4601, and the regulations at 49 CFR Part 24, Subpart B
- ◆ Debarment & Suspension (Executive Order 12549, 51 Fed. Reg. 6370)
- ◆ OMB Circular A-122 Cost Principles for Non-Profit Organizations or Circular OMB A-87 Cost Principles for State, Local and Indian Tribal Governments.

### **5.11 Confidential Data**

Applicants may request, in writing, nondisclosure of confidential data. Such data shall accompany the proposal and shall be readily separable from the proposal to facilitate public inspection of non-confidential portions of the proposal. After award, all proposals and documents pertaining to the proposals will be open to the public. Confidential data is normally restricted to confidential financial information concerning the Applicant's organization and data that qualifies as trade secrets under the Uniform Trade Secrets Act, Section 57-3A-1 NMSA 1978 et seq.

If a citizen of this state requests disclosure of data for which a request for confidentiality is made, the NEO shall examine the request for confidentiality and make a written determination that specifies which portions of the proposal should be disclosed and will provide the Applicant with written notice of that determination. Unless the Applicant protests within ten (10) calendar days of the notice, the proposal will be so disclosed.

## Section 6 Certifications

\_\_\_\_\_ (“Applicant”) is submitting a proposal to the Nebraska Energy Office (“NEO”) to be a sub grantee under the Nebraska Weatherization Assistance Program.

Applicant certifies that:

It will abide by all applicable Federal and State of Nebraska laws and all applicable statutory, regulatory, and judicially created rules and guidelines.

It understands that NEO will monitor its performance and compliance.

It is in good standing with all its funding sources.

It complies with Equal Employment Law and complies fully with all government regulations regarding nondiscriminatory employment practices.

It understands and represents that any contract it enters into with NEO will be binding in all respects.

It has a current registration with the Nebraska Secretary of State Office, if applicable.

This proposal shall be valid until contract award or 90 calendar days from the proposal due date, whichever is longer.

I HEREBY CERTIFY THAT ALL INFORMATION PROVIDED IN THE PROPOSAL IS TRUE AND CORRECT, AND THAT I HAVE THE AUTHORITY TO BIND THE APPLICANT TO THE ASSURANCES, AS WITNESSED BY MY SIGNATURE BELOW.

\_\_\_\_\_  
Signature of Authorized Official  
on behalf of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

## Section 7 Attachments

### Attachment A 2013 Nebraska Weatherization Assistance Program Application

Nebraska Energy Office  
521 South 14<sup>th</sup> Street, Suite #300  
Lincoln, NE 68508-2707

1. **Entity Type:** ☐ Non-Profit - must submit copy of organization's Articles of Incorporation & Bylaws  
☐ Public  
☐ Unit of Government

1.	Organization	
2.	Application Date	
3.	Tax ID	
4.	DUNS	
5.	Address	
6.	Contact Person	
7.	Title	
8.	Telephone	
9.	E-Mail	
10.	Web Page	

2. Does the applicant have prior experience providing weatherization services as a sub-grantee through the Weatherization Assistance Program for Low-Income Persons (10 CFR Part 440)?

☐ Yes            for how long? \_\_\_\_\_ years  
☐ No

## APPLICATION SUBMISSION CHECKLIST FOR EXISTING AND NEW AGENCIES

(All items listed below must be in the package in the order listed)

Applicant has submitted (1) one original and (5) five copies of the RFP response	Page 7 (Proposal Requirements)
Timely submission to proper contact	Page 4 (Proposal Submission)
Proof of 501c(3) or status as a Government Agency	Page 6 (Minimum Threshold Criteria)
Proof of current registration as a nonprofit organization	Page 6 (Minimum Threshold Criteria)
CPA's Audit Report or CPA's Review of Financial Statements	Page 6 (Minimum Threshold Criteria) Page 11 (Scoring by Criteria – Finance)
Copy of EPA Lead Renovator RRP Certification (for staff and/or contractors that will be providing weatherization services)	Page 5 (Minimum Threshold Criteria) Page 10 (Scoring by Criteria - Weatherization Program Experience & Readiness)
Proof of Non-Debarment	Page 6 (Minimum Threshold Criteria) Page 12 (Scoring by Criteria – Finance)
Experience of Management and Administration Personnel	Page 8 (Scoring by Criteria – Capacity)
Field Operations Staff Weatherization Experience	Page 9 (Scoring by Criteria – Capacity)
Board of Directors Experience and Oversight	Page 9 (Scoring by Criteria – Capacity)
Weatherization Program Experience <ul style="list-style-type: none"> <li>• Energy Audit Experience &amp; Training</li> <li>• Building Analysis &amp; Diagnostics Experience &amp; Training</li> <li>• Energy Retrofit Installation Experience &amp; Training</li> <li>• Project Inspection and Quality Control Experience &amp; Training</li> </ul>	Page 10 (Scoring by Criteria – Weatherization Program Experience & Readiness)
Other Staff Certifications & Trainings	Page 10 (Scoring by Criteria – Weatherization Program Experience & Readiness)
Weatherization Tools & Equipment	Page 11 (Scoring by Criteria – Weatherization Program Experience & Readiness)
Training & Technical Assistance Plan	Page 11 (Scoring by Criteria – Weatherization Program Experience & Readiness)
External Audit of Federal Funds	Page 11 (Scoring by Criteria – Finance)
External Monitoring of Federal Funds	Page 11 (Scoring by Criteria – Finance)
Central Contract Registry	Page 11 (Scoring by Criteria – Finance)

	Excluded and Debarred Contractor	Page 12 (Scoring by Criteria – Finance)
	Internal Fiscal Controls	Page 12 (Scoring by Criteria - Finance)
	Fiscal Oversight Bylaws Committee	Page 12 (Scoring by Criteria - Finance)
	Clearing House Submission of A-133 Audit (for current WAP sub grantees only)	Page 12 (Scoring by Criteria - Finance)
	Executive Summary	Page 12 (Scoring by Criteria – Program Design & Implementation)
	Business Description and Vision	Page 12 (Scoring by Criteria – Program Design & Implementation)
	Description of Proposed Service Territory	Page 12 (Scoring by Criteria – Program Design & Implementation)
	Description of Services	Page 12 (Scoring by Criteria – Program Design & Implementation)
	Organization and Management	Page 12 (Scoring by Criteria – Program Design & Implementation)
	Financial Management	Page 13 (Scoring by Criteria – Program Design & Implementation)
	References	Page 13 (Scoring by Criteria – Program Design & Implementation)

Applicant's Organization Name

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

NEO Staff Threshold Review & Approved:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_